



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

DEC 24 2015

Mr. Robert Schick, Director
Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-0001

Dear Mr. Schick:

As discussed by members of our respective staffs, EPA is planning to oversee a removal action financed by the Potentially Responsible Party, the City of New York and the New York City Department of Parks and Recreation (DPR), at the Columbia Smelting and Refining Works Site (Site) pursuant to section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601-9675. To ensure the continuing effectiveness of the removal action, post-removal site control activities and institutional controls are necessary.

The purpose of this letter is to request that the State of New York (State) provide EPA with a written commitment that the State will assume responsibility for all post-removal site control activities at the Columbia Smelting and Refining Works Site until such time as a permanent remedy is implemented or until no further Site control is needed. EPA would also like to use this opportunity to confirm with the State the planned use of institutional controls at Site.

Removal activities that will be required by EPA at the Site include installation of at least a 12-inch barrier of clean soil, fill or other material approved by EPA that meets the requirements of 6 NYCRR 375-6.7(d) and the substantive requirements of NYSDEC Technical Guidance for Site Investigation and Remediation (DER-10) 5.4(e), atop a permeable demarcation layer to separate the barrier material from contaminated soil left in place. The barrier material will likely include artificial turf at the athletic fields. Where installation of barrier material over the existing contaminated soil in the unpaved areas adjacent to the athletic fields would potentially damage the existing trees or adversely affect survival of imported trees, an alternate methodology approved by EPA in consultation with the State, such as soil excavation and replacement and/or access restriction, may be implemented to permanently mitigate exposure to soil contaminants within the upper 12 inches of soil.

The removal action will be completed in two phases: 1) the removal at four ball fields Ball Fields 5 through 8; and 2) the removal at Ball Field 9. EPA and the City of New York have not yet agreed to a final schedule for completion of the removal action, although it is currently anticipated that the first phase will be completed in late 2018 and the second phase will be completed in 2020. Upon completion of the construction for each phase of the project, post-removal site control activities and institutional controls must be implemented.

EPA anticipates the need for the State to approve and oversee implementation of Site Management Plans for Ball Fields 5-8 and Ball Field 9 as part of the post-removal site control activities. EPA also anticipates the need for the State to approve a Deed Restriction for each parcel within the Site as part of the institutional control. EPA will prohibit, in a Consent Order being negotiated with the City of New York, the unilateral altering of the terms of the Deed Restriction without prior NYSDEC approval. These and any other actions necessary to ensure the effectiveness of the removal action are considered essential post-removal site control activities.

Regulatory requirements for post-removal site control are found at 40 CFR Part 300 (the National Oil and Hazardous Substances Pollution Contingency Plan). The regulations and procedures to obtain credit are specified at 40 CFR Part 35, Subpart O (Final Rule for Cooperative Agreements and Superfund State Contracts for Superfund Response Actions).

Please provide your post-removal site control commitment for this site to Walter Mugdan, Emergency and Regional Response Division Director, by January 15, 2016. If you have questions regarding these issues, please direct your inquiries to Margaret Gregor at 732-321-4424.

Sincerely,



For Walter E. Mugdan, Director
Emergency and Remedial Response Division

cc: A. Praschak, ORC
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